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| 09/782,896      | 02/13/2001  | Dan Kikinis          | 112347.00129        | 3324             |

52940 7590 06/15/2007  
HOLLAND & KNIGHT LLP  
Attn: Stefan Stein/IP Dept  
131 S. DEARBORN STREET  
30TH FLOOR  
CHICAGO, IL 60603

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| EXAMINER |
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RAMAN, USHA

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| ART UNIT | PAPER NUMBER |
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2623

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06/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/782,896

Applicant(s)

KIKINIS, DAN

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 26<sup>th</sup> 2007 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 7, 13 and 19 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant did not traverse the assertion of official notice on claims 6, 12 and 18 in the Final Office action mailed, July 27<sup>th</sup>, 2006. Therefore, the well-known in the art statement is taken to be admitted prior art.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ficco (US PG PUB: 2005/0166224).

With regard to claims 1, 7, 13 and 19, Ficco discloses a method for providing enhanced advertising of a 2-D broadcast comprising:

Receiving the 2-D video broadcast including a first advertisement having a 2-D image (broadcast of programs and advertisements, see [0021]);

Identifying the 2-D image within the first advertisement, wherein the 2-D image is identified based on its characteristics and exclusively at a viewer's equipment (e.g. advertisements are identified to determine how to enhance factors in advertisement according to user preferences, see [0008], [0051], [0058], [0059]);

Looking up a matching 3-D object (wire frame model, texture map) in an image library (advertisement library [0036], advertisements are indexed for retrieval according to desired factor (see [0036]), wherein the library comprises one or more 3-D objects;

Using the matching 3-D object to generate an enhanced first advertisement (e.g. integrating wire frame into advertisement see [0058]). The examiner further notes that integrating a wire frame into the advertisement, gives the advertisement a 3-D appearance such that the advertisement is "pushed" by the shape of the wire frame and thus produces a 3-D highlighted rendering of the image by "pushing" the 3-D object (wire frame) into the 2-D image, wherein the 3-D highlighted rendering comprises a portion of the original 2-D image (the broadcast advertisement) and the 3-D object (the wire frame); and

Using a look up table to identify the matching 3-D object (i.e. advertisement components are stored according to an index value, and thus comprise a look up table to retrieve advertisement according to the index value, see [0036]).

With regard to claims 2, 8, 14, and 20 an advertisement comprises a plurality of components such as background, foreground, model appearing in an ad, selectable object, etc, wherein any of these components maybe altered for enhancement and/or replacement. Accordingly Ficco teaches the first advertisement comprising one or more images. See [0056], [0058], [0059].

With regard to claims 4, 10, 16 and 22, the enhanced advertisement is displayed on a television. See [0086].

With regard to claims 5, 11, 17 the integration of the wire frame into the advertisement (see [0058]), effectively overlays the image with the matching 3-D object in order to create a 3-D rendering of the object.

With regards to claim 21, the advertisement components are stored according to an index value and therefore comprise a look up table to retrieve the components according to the index value. See [0036].

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 12 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (US PG Pub: 2005/0166224).

With regard to claims 6, 12, and 18, Rosser does not teach the method of overlaying specular lighting and shading over the image.

Official notice is taken that it is well known to overlay specular lighting and shading on images to give them natural reflective and shading qualities, making them appear as a realistic 3-D image.

It would have been obvious to one of ordinary skill in the art to adjust the specular lighting and the shading of the image, in order to give it a more realistic, 3-D appearance.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UR



SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER